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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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In the Matter of  
Toll Free Service Access Codes }

CC Docket No. 95-155

To: The Chief,  
Common Carrier Bureau  
Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Emergency Motion for Stay

Pursuant to § 1.43 of the Commission's Rules, 47 C.F.R. § 1.43, Vanity International ("Vanity International") and Genesis Two, Inc. ("Genesis") (collectively, "Joint Petitioners"), hereby seek an immediate stay of the deployment on March 1, 1996 of the 888 toll free service access code with respect to a limited number of 888 commercial subscriber numbers (less than 100) which joint petitioners sought to have replicated and rendered "unavailable" in accordance with the *Report and Order*, DA 96-69, released on January 25, 1996 in the above-referenced proceeding.

The instant stay is requested pending the action by the Chief, Common Carrier Bureau, on the Emergency Petition for Special Relief (hereinafter "Petition") being filed contemporaneously with the instant stay request. For the reasons set forth below, and detailed in the Petition, joint petitioners' limited request for stay is justified.

I. Background

A detailed statement of facts upon which joint petitioners rely in support of their stay request is set forth in the Petition, which is incorporated herein by reference.

II. A stay of the availability on March 1, 1996 of a

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limited number of 888 toll free subscriber numbers is necessary.

As held in Leflore Broadcasting Co., Inc., 43 RAD. REG. (P&F) 2d 807 (1978), entry of a stay pending the outcome of another proceeding is appropriate when (1) the party seeking the stay is likely to prevail on the merits of its appeal; (2) the party seeking the stay will be irreparably injured without the stay; (3) the issuance of the stay will not substantially injure other interested parties; and (4) the grant of the stay is in the public interest. See also Virginia Petroleum Jobbers Association v. FPC, 259 F.2d 921 (D.C.Cir. 1958); Washington Metro. Area Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841 (D.C.Cir 1977). As will be demonstrated, joint petitioners satisfy each of these four standards and, therefore, are entitled to the requested stay.

A. Likelihood of success on the Merits

As shown in the Petition, joint petitioners timely sought replication of their commercial 800 subscriber numbers in accordance with the R&O. Despite these efforts, joint petitioners were wrongfully denied their requests for replication by various RespOrgs who were charged with the responsibility of polling joint petitioners and honoring replication requests. Such failure by the RespOrgs, who are subject to the Commission's regulatory authority, is in direct violation of the R&O. Upon this showing, joint petitioners have established the likelihood of success on the merits of their Petition.

B. Absent the Requested Relief, Vanity International and

Genesis Two will be Irreparably Harmed.

As stated in the Petition, joint petitioners will be irreparably in the event the numbers they timely sought to be replicated are placed in service and assigned to other entities. In the case of Genesis, a request for 888-256-7766, the only number it sought to have replicated, has already been reserved by a RespOrg and will be able to be placed in service by March 1, 1996. The implementation of the 888 service without adequate protection for joint petitioners as requested in the Petition will result in substantial and irreparable harm once the 888 numbers are placed in service. See Petition, p. 20-21.

C. The Issuance of the Stay will not Substantially Harm Other Interested Parties.

As previously stated, the primary relief that joint petitioners seek is the replication of their 800 commercial numbers on the 888 replication table, rendering such numbers unavailable for assignment to any party pending further Commission action on the protection to be afforded such 800 subscribers. In their Petition, joint petitioners have asked the Bureau to issue an ex parte Order by no later than 12:01 a.m. on March 1, 1996, directing DSMI, the manager of the toll free service database, to immediately mark as "unavailable" toll free number 888-256-7766, and all commercial subscriber numbers listed at Attachments B1 and B2 to Exhibit 1 to the Petition. This limited stay request will only be necessary in the event the Bureau takes no immediate action or denies joint petitioners' emergency Petition.

A limited stay as requested herein will not substantially harm other interested parties. First, joint petitioners are only requesting a stay of deployment of an extremely limited number (less than 100, and in Genesis' case, only one) of the rest of the 888 toll free numbers which will be available for reservation and assignment on March 1st. In addition, there is no immediate fear of the exhaustion of 800 toll free access service numbers. As noted in the the R&O, as a result of the conservation plans initiated by the Commission last August, 800 toll free service numbers will be available through June, 1996. As a result, no interested party will suffer by the instant stay request.

Moreover, if the Commission orders DSMI to place Vanity International's and Genesis Two's requests on the replication reservation table, the implementation of the 888 SAC can proceed with very little delay.

D. The Grant of the Stay Request is in the Public Interest.

Joint petitioners were not polled by their RespOrgs and were denied their rights to seek replication placement through no fault of their own. Grant of the relief requested is in the public interest.

III Conclusion

Accordingly, for the foregoing reasons and the reasons set forth in their Petition, Vanity International and Genesis Two, Inc. respectfully request the Chief, Common Carrier Bureau, pursuant to delegated authority, to stay the deployment of only those numbers in the 888 service requested by petitioners to be

replicated.

Respectfully submitted,

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February 29, 1996

CERTIFICATE OF SERVICE

I, Kathryn M. Damm, a legal and administrative assistant in the law firm of Bechtel & Cole, Chartered, certify that a copy of the foregoing EMERGENCY MOTION FOR STAY has been hand delivered or sent by Federal Express (\*) this twenty-ninth day of February 1996 to the following:

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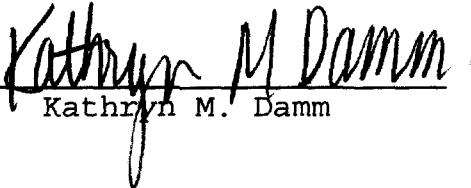
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